

Notice of Allowability

Application No.

10/643,138

Examiner

Hetul Patel

Applicant(s)

DE BREBISSON, CYRILLE

Art Unit

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 20 March 2006.
2. ☒ The allowed claim(s) is/are 2,3,5-8,10,11,13-16 and 18; renumbered as 2-3, 1, 4-13, respectively.
3. ☒ The drawings filed on 18 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. This action is responsive to communication filed on March 20, 2006. This amendment has been entered and carefully considered. Claims 1 and 4 are cancelled and claims 2-3, 5-7, 15 and 18 are amended. Therefore, claims 2-3, 5-8, 10-11, 13-16 and 18 are pending in the current application.
2. Claims 2-3, 5-8, 10-11, 13-16 and 18 are allowed and renumbered as 2-3, 1 and 4-13, respectively.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
4. Authorization for this examiner's amendment was given in a telephone interview with M. Paul Qualey (Reg. No. 43,024) on 04/03/2006.
5. The application has been amended as follows:

CLAIM 7 (Currently Amended):

- Replace the phrase --that is-- with --wherein-- in line 4.
- Replace the phrase --that that is-- with --wherein-- in line 10.

CLAIM 15 (Currently Amended):

- Replace the phrase --that is-- with --wherein-- in line 5.
- Replace the phrase --that that is-- with --wherein-- in line 11.

REASONS FOR ALLOWANCE

6. The following is an examiner's statement of reasons for allowance:

The prior arts of record do not teach nor suggest, either alone or in combination, all the limitations of independent claims of the current invention (claims 5, 7, 11 and 15); particularly

as claimed in claims 5 and 11, a system and a method comprising a step of identifying a third portion of the volatile memory that is being used to store data, a copy of the data corresponding to the third portion of the volatile memory also being stored in the non-volatile memory; and additionally saving the data corresponding to the third portion of the volatile memory in the non-volatile memory if the non-volatile memory has additional storage capacity remaining after allocating storage capacity for saving the data corresponding to the first portion of the volatile memory; and

as claimed in claims 7 and 15, a method comprising the step of identifying first data stored in the volatile memory wherein at least one of (a) the first data is not also stored in the non-volatile memory; and (b) the volatile memory is not disk cache; and in response to a power-off condition of the computer system, saving the first data in the non-volatile memory; and the step of identifying second data stored in the volatile memory wherein at least one of (a) the second data is stored in the non-volatile memory; and (b) the volatile memory is disk cache; and if the non-volatile memory has additional storage capacity remaining after allocating storage capacity for saving the first data, additionally saving the second data in the non-volatile memory.

Claims 2-3, 6, 8, 10, 13-14, 16 and 18 further limit the allowable independent claims. These claims are therefore allowable for the same reason(s) as set forth supra.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hetul Patel whose telephone number is 571-272-4184. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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